

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**MITCHELL HAYWARD BAILEY,  
Plaintiff**

**vs.**

**UNITED STATES OF AMERICA,  
Defendant**

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**CIVIL ACTION NO. C-06-168**

**NOTICE TO PARTIES**

Pending is defendant's motion to dismiss (D.E. 63). Because the parties have attached and/or referred to documents outside the pleadings, notice is given that the motion to dismiss will be construed as a motion for summary judgment, pursuant to Fed. R. Civ. P. 12(c), 56. Each party is granted 20 days from the date of this order to submit any additional summary judgment evidence or affidavits in support of the party's motion or response.

Signed this 29<sup>th</sup> day of September, 2008.



**B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE**